
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 65

The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Scheme) and Health and
Personal Social Services (Injury Benefits) (Amendment and
Transitional Provisions) Regulations (Northern Ireland) 2009

PART 2

AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION
SCHEME) REGULATIONS (NORTHERN IRELAND) 2008

Amendment of regulation 14

28.—(1) Regulation 14 (Pensionable pay: breaks in service) is amended as provided by paragraphs (2) to (10).

(2) In paragraph (2), after “paragraph (3)” insert “in the case of a member who is not a non-GP provider and paragraph (7) in the case of a member who is a non-GP provider”.

(3) In paragraph (3), before “falling” insert “who is not a non-GP provider”.

(4) In paragraph (6), for “(up to 6” substitute “or (3A) (up to 24”.

(5) In paragraph (7), for “13(9)” substitute “13(8)”.

(6) For paragraph (8), substitute—

“(8) If the earnings used to calculate a member’s pensionable pay cease during a period of absence to which this regulation applies—

- (a) a non-GP provider falling within paragraph (1)(a) will, subject to subparagraph (b), be treated as having continued in pensionable employment for a period of 12 months from the date on which the member’s earnings ceased and the member will not be treated as having left pensionable employment until the end of that 12 month period;
- (b) a non-GP provider falling within paragraph (1)(b) to (e) who paid contributions on the basis of reduced earnings in accordance with paragraph (4)(b) will, subject to paragraph (9), continue to pay contributions at that rate, except that no refund of contributions or other benefit will be payable until the member actually leaves pensionable employment;
- (c) a member other than a non-GP provider will, subject to paragraph (5), be treated as having left pensionable employment except that no refund of contributions or other benefit will be payable until the member actually leaves pensionable employment.

(8A) For the purposes of paragraph (8)(a)—

- (a) during the 12 month period, the non-GP provider’s pensionable earnings will be calculated as described in paragraph (7)(a) or (b);
 - (b) at the end of the 12 month period, when the member is regarded as having left pensionable employment, no refund of contributions or other benefit will be payable until the member actually leaves employment.”
- (7) In paragraph (9), after “paragraph (8)” insert “(b)”.
- (8) In paragraph (10), for “non-GP provider” in each place substitute “member”.
- (9) In paragraph (11)—
- (a) for “non-GP provider” in each place substitute “member”;
 - (b) for “paragraph (7)” substitute “this regulation”;
 - (c) for “paragraph (10)” substitute “paragraph (8)(c), (8A)(b) or (10)”.
- (10) In paragraph (12), for “non-GP provider” in each place substitute “member”.